

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or recommendation as appropriate. This case is before the Court on Defendant James Gregory's Motion to Continue Plea Deadline and Trial Date [*United States v. Gregory*, No. 3:24-CR-11, Doc. 17] and Motion to Continue Hearing Date [*United States v. Gregory*, No. 3:17-CR-73, Doc. 43], both of which were filed on April 22, 2024.

Defendant asks the Court to continue the plea deadline and trial date in *United States v. Gregory*, No. 3:24-CR-11, and the corresponding revocation hearing in *United States v. Gregory*, No. 3:17-CR-73 by approximately sixty days. In support of his motion, Defendant asserts that plea negotiations are underway, but defense counsel requires additional time to continue these discussions. Defendant states that his counsel does not believe he can adequately prepare or effectively represent him within the current plea deadline and trial date. Defendant's motion reflects that counsel for the Government does not object to extending the deadlines. Defense counsel confirmed with Chambers via email that Defendant Gregory understands his right to a Speedy Trial and agrees to the requested continuance.

Based upon the information in Defendant's motions and because the Government does not oppose the continuance, the Court finds the ends of justice served by granting a continuance

outweigh the interests of Defendant and the public in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). In making this determination, the Court has considered the factors set forth in 18 U.S.C. § 3161(h)(7)(B). Specifically, the Court concludes that failing to grant a continuance would both result in a miscarriage of justice and deny counsel for Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See id.* § 3161(h)(7)(B)(i)–(iv). Defense counsel needs additional time to engage in plea negotiations and prepare for trial if negotiations are not fruitful. The Court finds that all of this cannot occur before the May 21, 2024 trial date.

The Court therefore **GRANTS** Defendant James Gregory's Motion to Continue Plea Deadline and Trial Date [*United States v. Gregory, No. 3:24-CR-11, Doc. 17*] and Motion to Continue Hearing Date [*United States v. Gregory, No. 3:17-CR-73, Doc. 43*]. The date for the trial and the revocation hearing is reset to **October 1, 2024**. A new, comprehensive trial schedule is included below. Because the Court has found that the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial, all of the time between the filing of the motions on April 22, 2024, and the new trial date is fully excludable time under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(1)(D), (h)(7)(A)–(B).

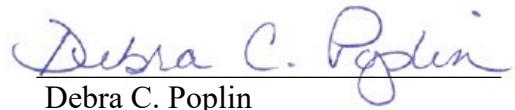
Accordingly, it is **ORDERED** as follows:

- (1) Defendant James Gregory's Motion to Continue Plea Deadline and Trial Date [*United States v. Gregory, No. 3:24-CR-11, Doc. 17*] and Motion to Continue Hearing Date [*United States v. Gregory, No. 3:17-CR-73, Doc. 43*] are **GRANTED**;
- (2) the trial date in *United States v. Gregory, No. 3:24-CR-11*, and corresponding revocation hearing in *United States v. Gregory, No. 3:17-CR-73*, are reset to commence on **October 1, 2024, at 9:00 a.m.**, before the Honorable Thomas A. Varlan, United States District Judge;

- (3) all time between the filing of the motions on **April 22, 2024**, and the new trial date of **October 1, 2024**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) the deadline for filing a plea agreement in the record and providing reciprocal discovery is **August 30, 2024**;
- (5) the deadline for filing motions *in limine* is **September 16, 2024**;
- (6) the parties are to appear before the undersigned for a final pretrial conference on **September 17, 2024, at 10:30 a.m.**; and
- (7) requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4 shall be filed on or before **September 20, 2024**.

IT IS SO ORDERED.

ENTER:


Debra C. Poplin
United States Magistrate Judge